

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

JESUS D. FUENTES

v.

WAYNE T. SALISBURY, JR.

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C.A. No. 23-00379-WES

ORDER

Before the Court is Petitioner Jesus D. Fuentes' Motion for Leave to Proceed In Forma Pauperis (ECF No. 2) which has been referred to me for determination. The filing fee for a petition for a writ of habeas corpus is \$5.00. 28 U.S.C. § 1914(a).

Whenever a prisoner submits a petition for a writ of habeas corpus, the prisoner must either (1) pay the filing fee; or (2) submit a motion to proceed IFP. Under 28 U.S.C. § 1915(a)(1), the IFP motion must include an affidavit or affirmation establishing that the petitioner is unable to pay the fees and costs for the proceedings. It also must include a prison certification section, completed and signed by an authorized officer of the institution in which the prisoner is incarcerated, certifying both the amount presently on deposit in the prisoner's inmate trust account and the prisoner's average account balance during the last six months. 28 U.S.C. § 1915(a)(1)-(2).

Here, Petitioner submitted a copy of his inmate trust fund account statement, but that statement is dated August 19, 2019 through January 16, 2020. (ECF No. 3). Petitioner's account statement is over three years old and therefore does not meet the requirements of 28 U.S.C. § 1915(a)(2).¹

¹ Section 1915(a)(2) provides:

(2) A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor, in addition to filing the affidavit filed under

Accordingly, Plaintiff is instructed to provide by October 12, 2023, a certified copy of his prisoner trust fund account statement for the six-month period immediately preceding the filing of his Complaint. The Court will rule on the Motion once that document has been received.

SO ORDERED

/s/ Lincoln D. Almond
LINCOLN D. ALMOND
United States Magistrate Judge
September 18, 2023

paragraph (1), **shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal**, obtained from the appropriate official of each prison at which the prisoner is or was confined.

28 U.S.C. § 1915(a)(2) (emphasis added).